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| 10/560,352 | 05/12/2006 | David Bryant Batt | CNOVA.00004 | 6398 |

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CARSTENS & CAHOON, LLP
P O BOX 802334
DALLAS, TX 75380

| EXAMINER | |
|---|---|
| RAO, DEEPAK R | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/560,352 | BATT ET AL. | |
| | Examiner | Art Unit | |
| | Deepak Rao | 1624 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *13 January 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) *33-35* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20070427*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

Claims 1-35 are pending in this application.

### *Election/Restrictions*

Applicant's election of Group I in the reply filed on January 13, 2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 33-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 13, 2009.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 26-31 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a method of treating melanoma, does not reasonably provide enablement for a method of treating a patient having a disease characterized by excessive signaling through the MAP kinase signaling pathway. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

In evaluating the enablement question, several factors are to be considered. Note *In re Wands*, 8 USPQ2d 1400 and *Ex parte Forman*, 230 USPQ 546. The factors include: 1) The nature of the invention, 2) the state of the prior art, 3) the predictability or lack thereof in the art, 4) the amount of direction or guidance present, 5) the presence or absence of working examples, 6) the breadth of the claims, and 7) the quantity of experimentation needed. The determination that "undue experimentation" would have been needed to make and use the claimed invention is not a single, simple factual determination. Rather, it is a conclusion reached by weighing all the above noted factual considerations.

The instant claims are drawn to 'a method of treating a patient having a disease characterized by excessive signaling through the MAP kinase signaling pathway' and the specification provides that the compounds are useful in the treatment of proliferative diseases, particularly a cancer characterized by increased RAF kinase activity. The disclosure further provides melanoma, colorectal cancer, ovarian cancer, etc. as examples of proliferative diseases. The instant claim appears to be a 'reach through' claim. Reach through claims, in general have a format drawn to mechanistic, receptor binding or enzymatic functionality and thereby reach through any or all diseases, disorders or conditions, for which they lack written description and enabling disclosure in the specification thereby requiring undue experimentation for one of skill in the art to practice the invention.

The specification does not provide any guidance for one of ordinary skill in the art to know what is encompassed by the instant recitation of 'a disease characterized by excessive signaling through the MAP kinase signaling pathway'. The test procedures and data provided in the specification is with respect to the *in vitro* activity of the exemplified compounds in the

inhibition of C-RAF. Applicant did not state on record or provide any guidance regarding which state of the art assays may provide basis for the instantly claimed activity of MAP kinase signaling pathway generally. Further, there is no disclosure regarding how this potential inhibitory activity is correlated to the clinical efficacy of the treatment of various disorders of the claims. As can be seen from specification, data related to the protein kinase inhibition holds significant role in determining the dosage regimen based on the minimal effective concentration of each of the compound to achieve the desired inhibition of the protein kinases.

The instant claims are drawn to "a method of treating a patient having a disease characterized by excessive signaling through the MAP kinase signaling pathway" which diseases include, for example, proliferative disorders. First, the instant claims cover 'diseases' that are known to exist and those that may be discovered in the future, for which there is no enablement provided. The use disclosed in the specification is as inhibitors of C-RAF, in the treatment of a large list of proliferative diseases, which include melanoma, different types of cancers, etc. There are no test assays and procedures provided in the specification and there is nothing in the disclosure regarding how this recited activity correlates to the treatment of the diverse disorders encompassed by the instant claims. The diseases and disorders encompassed by the instant claims include various types of cancer, some of which have been proven to be extremely difficult to treat. Further, there is no reasonable basis for assuming that the myriad of compounds embraced by the claims will all share the same physiological properties since they are so structurally dissimilar as to be chemically non-equivalent and there is no basis in the prior art for assuming the same. Note *In re Surrey*, 151 USPQ 724 regarding sufficiency of disclosure for a Markush group.

See MPEP § 2164.03 for enablement requirements in cases directed to structure-specific arts such as the pharmaceutical art. Receptor activity is generally unpredictable and highly structure specific area, as evidenced by the wide range of results obtained for the tested compounds. It is inconceivable as to how the claimed compounds can treat the large list of diseases embraced by the claims, which diseases that are characterized by excessive MAP kinase signaling pathway generally.

According to the specification, the instant claims include 'a method for the treatment of proliferative disorders' which include various types of cancers (see page 14). The terms 'cancer' and 'proliferative disorders' represent anything that is caused by abnormal tissue growth. That can be growth by cellular proliferation more rapidly than normal, or continued growth after the stimulus that initiated the new growth has ceased, or lack (partial or complete) of structural organization and/or coordination with surrounding tissue. It can be benign or malignant. Thus, such term covers not only all cancers, but also covers precancerous conditions such as lumps, lesions, polyps, etc. No compound has ever been found to treat cancers of all types generally. Since this assertion is contrary to what is known in medicine, proof must be provided that this revolutionary assertion has merits. The existence of such a "silver bullet" is contrary to our present understanding of oncology. Cecil Textbook of Medicine states that "each specific type has unique biologic and clinical features that must be appreciated for proper diagnosis, treatment and study" (see the enclosed article, page 1004). Different types of cancers affect different organs and have different methods of growth and harm to the body. Also see *In re Buting*, 163 USPQ 689 (CCPA 1969), wherein 'evidence involving a single compound and two types of cancer, was held insufficient to establish the utility of the claims directed to disparate types of

cancers'. Thus, it is beyond the skill of oncologists today to get an agent to be effective against cancers generally. In reference to cancer treatment using protein tyrosine kinase inhibitors, Traxler (Exp. Opin. Ther. Patents, 1997) stated that "pharmacological properties such as stability in biological media, bioavailability, metabolism or formulability are significant hurdles" see page 585, col. 2, lines 33-36.

As illustrative of the state of the art, Gura et al. (Science 1997) and Johnson et al., (British J. of Cancer 2001) are provided. Gura et al., cited for evidentiary purposes, teaches that researchers face the problem of sifting through potential anticancer agents to find the ones promising enough to make human clinical trials worthwhile and further teach that since formal screening began in 1955, many thousands of drugs have shown activity in either cell or animal models but that only 39 have actually been shown to be useful for chemotherapy (see the first two paragraphs). It is noted that the pharmaceutical art is unpredictable, requiring each embodiment to be individually assessed for physiological activity. Also, with regard to unpredictability, Johnson et al., also cited for evidentiary purposes, teach that the *in vivo* activity of 39 different agents in a particular histology in a tumor model did not correlate to activity in the same human cancer. These state of the art references plainly demonstrate that the art of developing and testing anticancer drugs particularly for use in humans is extremely unpredictable, particularly in the case of a single compound or genus of compounds being used to treat any and all cancers.

The diagnosis of each of the disease is generally suggested by medical history and reports of endoscopy, cytology, X-ray, biopsy, etc. depending on the symptoms, signs and complications, which is essential to establish the dosage regimen for appropriate treatment. The

disclosure does not provide any guidance towards the dosage regimen required to facilitate the treatment and/or inhibition of the claimed disorders, nor indicate competent technical references in the appropriate methods.

Applicants have not provided any competent evidence or disclosed tests that are highly predictive for the pharmaceutical use of the instant compounds. Pharmacological activity in general is a very unpredictable area. Note that in cases involving physiological activity such as the instant case, "the scope of enablement obviously varies inversely with the degree of unpredictability of the factors involved". See *In re Fisher*, 427 F.2d 833, 839, 166 USPQ 18, 24 (CCPA 1970). Traxler, in a recent article (Exp. Opin. Ther. Patents, 1997) stated that "The concept of the inhibition of growth factor receptor-mediated signal transduction via inhibition of its protein tyrosine kinase is a novel, **not yet proven** clinical approach to the regulation of cell proliferation", see page 585, col. 1. Therefore, the state of the art provides the need of undue experimentation for the instantly claimed therapeutic benefits.

(Only a few of the claimed diseases are discussed here to make the point of an insufficient disclosure, it does not definitely mean that the other diseases meet the enablement requirements).

MPEP § 2164.01(a) states that "A conclusion of lack of enablement means that, based on the evidence regarding each of the above factors, the specification, at the time the application was filed, would not have taught one skilled in the art how to make and/or use the full scope of the claimed invention without undue experimentation. *In re Wright*, 999 F.2d 1557, 1562, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993)". That conclusion is clearly justified here and undue experimentation will be required to practice the claimed invention.

Thus, factors such as "sufficient working examples", "the level of skill in the art" and "predictability", etc. have been demonstrated to be sufficiently lacking in the use of the invention. In view of the breadth of the claim, the chemical nature of the invention, the unpredictability of ligand-receptor interactions in general, and the lack of working examples regarding the activity of the claimed compounds, one having ordinary skill in the art would have to undergo an undue amount of experimentation to use the invention commensurate in scope with the claims.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following reasons apply:

1. In claim 1, in the definitions of $R_1$ and $R_2$, the metes and bounds of the terms "phenyl radical" and "heteroaryl radical" is not clear. The specification at page 3, last paragraph, provides that "A phenyl radical is generally an unsubstituted phenyl or phenyl that is substituted with 1-5 substituents", however, the claim does not clearly set forth whether or not the instant recitations include unsubstituted as well as substituted phenyl and what substituents are intended.
2. Claim 3 recites the limitation "wherein $R_2$ is phenyl that is substituted in at least 3-position by halogen, ..." in lines 1-3. There is insufficient antecedent basis for this limitation in claim 1 (via claim 2) on which claim 3 is dependent. Claim 1 does not

clearly provide that the 'phenyl radical' represented by $R_2$ is substituted. The discrepancy is found in other dependent claims as well.

3. In claim 7, the definition $A_1$, $A_2$, and $A_3$ contains the term " C " and the ring contains one $-R_3$ substituent. When all of $A_1$-$A_3$ are C, then two of the ring members will have an open valency and it is not clear what is intended to be substituted on this ring.

4. Claim 8 is dependent on claim 7 and recites the limitation that "$R_2$ is phenyl", however, claim 7 is drawn to compounds of structural formula (II) which formula does not contain the term " $R_2$ ".

5. Claim 11 recites the limitation "wherein $R_4$ is phenyl halo-lower alkyl, ..." in lines 1-2. There is insufficient antecedent basis for this limitation in claims 9 or claim 10 on which claim 11 is dependent. Claims 9 or 10 do not recite that "$R_4$ is phenyl lower-alkyl".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-2, 5, 26 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Zimmermann, U.S. Patent No. 5,521,184. The instant claims read on reference disclosed

compounds, see the structural formula I in col. 1 and the corresponding species of the Examples 17, 21, 22, 24, 25, etc. The reference teaches a process to prepare the compounds, see col. 12. The reference teaches that the compounds are useful as kinase inhibitors in the treatment of tumors, see col. 8.

2. Claims 1-3, 5, 26 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Buerger et al., WO 2002/022597. The instant claims read on reference disclosed compounds, see the structural formula I in page 1 and the corresponding species of the Examples 1-3 and 11-16. The reference teaches a process to prepare the compounds, see page 18. The reference teaches that the compounds are useful as kinase inhibitors in the treatment of tumors, see page 7.

3. Claims 1-3, 5 and 26 are rejected under 35 U.S.C. 102(a), (b) and/or (e) as being anticipated by Stein-Gerlach et al., WO 2002/93164 (published November 21, 2002; effective filing date: May 29, 2001). The instant claims read on reference disclosed compounds, see the structural formula (I) in page 3 and the corresponding species listed in page 6, particularly, compounds 4-6, 8, 10-12, 18-19, 21-22, etc. The reference teaches a process to prepare the compounds, see page 18. The reference teaches that the compounds are useful as pharmaceutical therapeutic agents, see pages 11-22.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buerger et al., WO 2002/22597. The reference teaches a generic group of pyrimidine-2-amine compounds, which embraces applicant's instantly claimed compounds. See formula (I) in page 1, and the species of the Examples 1-3 and 11-16. The reference teaches a process to prepare the compounds, see page 18. The reference teaches that the compounds are useful as kinase inhibitors in the treatment of tumors, see page 7. Claims 1-3, 5, 26 and 32 are rejected under 35 USC 102, see the rejection above. The remaining claims differ from the reference by reciting a more limited subgenus than the reference. It would have been obvious to one having ordinary skill in the art at the time of the invention to select any of the species of the genus taught by the reference, including those instantly claimed, because the skilled chemist would have the reasonable expectation that any of the species of the genus would have similar properties and, thus, the same use as taught for the genus as a whole i.e., as therapeutic agents. One of ordinary

skill in the art would have been motivated to select the claimed compounds from the genus in the reference since such compounds would have been suggested by the reference as a whole. It has been held that a prior art disclosed genus of useful compounds is sufficient to render prima facie obvious a species falling within a genus. *In re Susi*, 440 F.2d 442, 169 USPQ 423, 425 (CCPA 1971), followed by the Federal Circuit in *Merck & Co. v. Biocraft Laboratories*, 847 F.2d 804, 10 USPQ 2d 1843, 1846 (Fed. Cir. 1989).

2. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein-Gerlach et al., WO 2002/93164. The reference teaches a generic group of pyrimidine-2-amine compounds, which embraces applicant's instantly claimed compounds. See structural formula (I) in page 3 and the corresponding species listed in page 6, particularly, compounds 4-6, 8, 10-12, 18-19, 21-22, etc. The reference teaches a process to prepare the compounds, see page 18. The reference teaches that the compounds are useful as pharmaceutical therapeutic agents, see pages 11-22. Claims 1-3, 5 and 26 are rejected under 35 USC 102, see the rejection above. The remaining claims differ from the reference by reciting a more limited subgenus than the reference. It would have been obvious to one having ordinary skill in the art at the time of the invention to select any of the species of the genus taught by the reference, including those instantly claimed, because the skilled chemist would have the reasonable expectation that any of the species of the genus would have similar properties and, thus, the same use as taught for the genus as a whole i.e., as therapeutic agents. One of ordinary skill in the art would have been motivated to select the claimed compounds from the genus in the reference since such compounds would have been suggested by the reference as a whole. It has been held that a prior

art disclosed genus of useful compounds is sufficient to render prima facie obvious a species falling within a genus.

***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-12, 18-19, and 26-29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over pending claims 1-6, 8 and 11 of copending Application No. 10/528,913. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims substantially overlap the compounds of the reference claims, see the claim 1 in the copending application, which is drawn to a compound of formula 1. It would have been obvious to one having ordinary skill in the art at the time of the invention to select any of the compounds from the reference claims and/or use

the compounds in any of the methods taught by the reference, including those instantly claimed, because the skilled artisan would have had the reasonable expectation that any of the species of the genus would have similar properties and, thus, the same use as taught for the genus as a whole i.e., as pharmaceutical therapeutic agents. One of ordinary skill in the art would have been motivated to select the claimed compounds from the genus in the reference since such compounds would have been suggested by the reference as a whole.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

2. Claims 1-12, 18-19, and 26-29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over pending claims 21, 30, 32, 36 and 44 of copending Application No. 10/502,291 (now allowed). Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims substantially overlap the compounds of the reference claims, see the claim 21 in the copending application, which is drawn to a compound of formula (I). It would have been obvious to one having ordinary skill in the art at the time of the invention to select any of the compounds from the reference claims and/or use the compounds in any of the methods taught by the reference, including those instantly claimed, because the skilled artisan would have had the reasonable expectation that any of the species of the genus would have similar properties and, thus, the same use as taught for the genus as a whole i.e., as pharmaceutical therapeutic agents. One of ordinary skill in the art would have been motivated to select the claimed compounds from the genus in the reference since such compounds would have been suggested by the reference as a whole.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Receipt is acknowledged of the Information Disclosure Statement filed on April 27, 2007 and a copy is enclosed herewith.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deepak Rao whose telephone number is (571) 272-0672. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson, can be reached at (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Deepak Rao/**
**Primary Examiner**
**Art Unit 1624**

March 23, 2009